

**DENTISTRY EXAMINING BOARD
REGULAR MEETING
JANUARY 8, 2003**

MEMBERS PRESENT: Bruce Barrette, DDS; David Carroll, RDH; Keith D. Clemence, DDS; Nanette Kosydar Dreves, RDH, Judith Ficks, Wilbur Gill, DDS; Karen Jahimiak, DDS, Cathy Schleis, RDH; Arthur Srb, Richard Strand, DDS; and Bruce Wayne Trimble DDS

STAFF PRESENT: Deanna Zychowski, Bureau Director; Jacquelynn Rothstein, Legal Counsel; Pamela Meicher, Program Assistant and other Division staff for portions of the meeting

GUESTS: Carolyn Landgraf, Teeth Whitening Salon, Mara Brooks, WDA; Peter Theo, WDHA; Linda Jorgenson, WDHA; Mary Czech-Mrochinski, Marquette University

CALL TO ORDER

Chair Bruce Barrette called the meeting to order at 8:36 a.m.

PLEDGE OF ALLEGIANCE

The Board gave the pledge of allegiance.

APPROVAL OF AGENDA

Additions to the Agenda:

Flowchart for Complaint Screening Information
Article on Center for Cosmetic Dentistry
Additional Information - Niles Bakke, DDS
Additional Information - William C. Beaupre
Additional Information - Blair Moldenhauer, DDS

MOTION: Richard Strand moved, seconded by Keith Clemence, to approve the agenda as amended. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Wilber Gill moved, seconded by Richard Strand, to elect Bruce Barrette as Chair of the Dentistry Examining Board. Motion carried unanimously.

MOTION: David Carroll moved, seconded by Catherine Schleis, to elect Richard Strand as Vice-Chair of the Dentistry Examining Board. Motion carried unanimously.

MOTION: Judith Ficks moved, seconded by Keith Clemence, to elect Nanette Kosydar Dreves as Secretary of the Dentistry Examining Board. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania is currently designated as Acting Department of Regulation and Licensing Secretary. No definite information was available regarding the new Governor's appointees for the Department.

APPROVAL OF MINUTES NOVEMBER 6, 2002

Corrections to the minutes:

Page 3 – Correct the spelling of Dr. Barrette in second paragraph from the bottom.

Page 6 – Capitalize the middle initial for Leon O. Cummings

Page 7 – Correct the fourth motion from the bottom to read “seconded by Bruce Trimble”

MOTION: Nanette Kosydar Dreves moved, seconded by Catherine Schleis, to approve the Minutes as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF TELEPHONE CONFERENCE CALL OF DECEMBER 6, 2002

Corrections to the minutes:

Page 1 – Correct the spelling for Lee Krahenbuhl

MOTION: Wilber Gill moved, seconded by David Carroll, to approve the Minutes as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATION

ERIC R. PEARSON, DDS

DOE Attorney Gilbert Lubcke presented a proposed stipulation in the matter concerning Eric R. Pearson, DDS. This matter will be deliberated on in closed session.

REPORT ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

The Board noted the Krahenbuhl case.

PUBLIC HEARING ON PROPOSED RULES RELATING TO DENTAL SPECIALTIES AND TO FACULTY LICENSES

Public Hearings were held on proposed rules relating to dental specialties and to faculty licenses.

Mary Czech-Mrochinski spoke to the Board on behalf of Marquette University and the School of Dentistry. One recommended change was to the Text of Rule section of the proposal which proposed the language be broadened to reflect graduates from more international dental schools. The reason for the recommendation is because there are approximately 400 vacant full-time clinical teaching positions within dental education in the United States and dental schools must be competitive if they wish to attract the most qualified and best faculty to the school.

SCOPE STATEMENT TO AMEND DE 3.02 RELATING TO THE PRACTICE OF DENTAL HYGIENE DEFINED

Jacquelynn Rothstein, Legal Counsel reviewed the Scope statement with the Board on the practice of dental hygiene when the dentist is not in the facility. The Board noted that the Scope Statement should be dated January 2003.

MOTION: Wilber Gill moved, seconded by Nanette Kosydar Dreves, to adopt Scope Statement DE 3.02 on the Practice of dental hygiene when the dentist is not in the facility. Motion carried unanimously.

ORAL ARGUMENTS IN THE MATTER CONCERNING NILES BAKKE, DDS

DOE attorney Gil Lubcke presented his oral arguments in the matter concerning Niles Bakke, DDS. Curtis Kirkhuff, attorney for Niles Bakke presented his oral arguments on this matter. This matter will be deliberated on in closed session.

STATE BOARD PARTICIPATION ON ACCREDITATION SITE VISITS WITH THE COMMISSION ON DENTAL ACCREDITATION

The Board discussed the correspondence from the American Dental Association asking for participation in the Commission on Dental Accreditation's 2003 on-site evaluation(s). The Board agreed this would be an opportunity to give input for the process on how education programs are set up. Jacquelynn Rothstein, Legal Counsel, will review the material to ensure there is not a problem with a Board member participating in this process. Nanette Kosydar Dreves and Karen Jahimiak plan on attending the accreditation site visit.

AADE 2003 MID-YEAR MEETING AND FORUM ON EXAMINATIONS

Judith Ficks will attend the National Dental Examiners' Advisory Forum scheduled on March 24, 2003. The purpose of the forum is to exchange information about National Board Dental and Dental Hygiene Examinations.

VACANCIES ON NATIONAL BOARD TEST CONSTRUCTION COMMITTEES

Dr. Barrette asked for volunteers to participate in the development of the National Board Dental Examinations in the following committees: Anatomic Sciences, Operative Dentistry and Oral Diagnosis.

REQUEST BOARD'S APPROVAL TO SPEAK AT WDA MEETING ON JANUARY 10TH – DR. BRUCE BARRETTE

Dr. Bruce Barrette requested to speak at the WDA meeting to be held on January 10, 2003.

MOTION: Judith Ficks moved, seconded by Richard Strand, to approve that Dr. Bruce Barrette will speak at the WDA meeting on January 10, 2003. Motion carried unanimously.

DISCUSSION OF TEETH WHITENING BUSINESS

The Board discussed the correspondence from Carolyn Landgraf on a Teeth Whitening Business. The Board will discuss a specific list of what the practice of dentistry includes at the next Board meeting. Jacquelynn Rothstein, Legal Counsel will write letter in response to Ms. Landgraf's letter.

MOTION: Wilber Gill moved, seconded by Bruce Trimble, that the Board believes the practice as described in the correspondence constitutes the practice of dentistry as provided in Chapter 447 and is therefore prohibited. Vote taken; Bruce Barrette-yes, David Carroll-yes, Keith Clemence-yes, Nanette Kosydar Dreves-no, Judith Ficks-yes, Wilber Gill-yes, Karen Jahimiak-yes, Catherine Schleis-no, Arthur Srb-no, Richard Strand-yes, Bruce Trimble-yes. Motion Carried.

PRACTICE QUESTION RELATING TO DENTAL ASSISTANTS AND DISCUSSION OF SLEEP SEDATION

The practice question from the UW Milwaukee School of Allied Health Professions was whether dental assistants are now permitted by Wisconsin law to perform unsupervised general anesthesia on patients in dental offices. The Board discussed this issue and agreed that dental assistants are not permitted to perform general anesthesia.

MOTION: Richard Strand moved, seconded by Wilber Gill, to send a letter Philip Taugher, MD, advising him that dental assistants are not permitted to perform general anesthesia. Motion carried.

DISCUSSION OF THE CENTER FOR COSMETIC DENTISTRY AD

The Board discussed the issue of sedation and anesthesia written about in the ad for the Center for Cosmetic Dentistry. The Board would like DOE to investigate the concerns they have on this type of advertising.

MOTION: Nanette Kosydar Dreves moved, seconded by Catherine Schleis, to direct DOE to investigate concerns of sedation and anesthesia in such ads. Motion carried unanimously.

CRDTS UPDATE

Richard Strand reported that the meeting will be held March 11-13, 2003 in St. Louis.

ADJOURN TO CLOSED SESSION

MOTION: Judith Ficks moved, seconded by Nanette Kosydar Dreves, to adjourn to closed session pursuant to Wisconsin State Statutes 19.85(1)(a)(b)(f) and (g) for the purpose of reviewing applications, considering requests for stays of suspension, review of second amended petition for extension of deadline to pay costs, deliberation of proposed stipulation, meeting with the Division of Enforcement and consulting with Legal Counsel. Roll call vote: Bruce Barrette – yes; David Carroll – yes; Keith Clemence – yes; Nanette Kosydar Dreves – yes; Judith Ficks – yes; Wilber Gill – yes; Karen Jahimiak – yes; Catherine Schleis – yes; Arthur Srb – yes, Richard Strand – yes; and Bruce Wayne Trimble – yes. Motion carried unanimously.

Open session adjourned at 11:15 a.m.

RECONVENE INTO OPEN SESSION

MOTION: Judith Ficks moved, seconded by David Carroll, to reconvene into open session. Motion carried unanimously.

Reconvened to open session at 1:52 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

APPLICATION REVIEWS

JENNIFER ULLMER, RDH

MOTION: Nanette Kosydar Dreves moved, seconded by Karen Jahimiak to approve the application of Jennifer Ullmer, RDH. Motion carried unanimously.

WILLIAM A. BEYERS, DDS

MOTION: Richard Strand moved, seconded by Catherine Schleis to approve the application of William A Beyers, DDS. Motion carried unanimously.

PROPOSED STIPULATIONS

ERIC R. PEARSON, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by Judith Ficks to adopt the Stipulation in the matter concerning Eric R Pearson, DDS. Arthur Srb was absent during deliberations and abstained. Motion carried.

NILES K. BAKKE, DDS

MOTION: Judith Ficks moved, seconded by Catherine Schleis to adopt the Findings of Fact in the matter of Niles K. Bakke, DDS. Nanette Kosydar Dreves, advisor, was absent during deliberations and abstained. Arthur Srb voted no. Motion carried.

MOTION: Catherine Schleis moved, seconded by Karen Jahimiak to adopt the Conclusions of Law consistent with the recommendations of Attorney Gilbert Lubcke. Nanette Kosydar Dreves, case advisor, was absent during deliberations and abstained. Motion carried.

MOTION: Judith Ficks moved, seconded by Wilber Gill to modify the proposed decision and order and review it at the next Board meeting. Nanette Kosydar Dreves, case advisor, was absent during deliberations and abstained. Motion carried.

REQUEST FOR STAYS OF SUSPENSION

WILLIAM C. BEAUPRE, DDS

MOTION: Wilbur Gill moved, seconded by David Carroll to grant a three month stay of suspension and modify the order to eliminate the requirement to have a professional mentor in the matter of William C. Beaupre, DDS. Motion carried unanimously.

CRAIG MOON, DDS

MOTION: Judith Ficks moved, seconded by Karen Jahimiak to deny full licensure and grant a four month stay of suspension to Craig Moon, DDS. Motion carried unanimously.

BLAIR D. MOLDENHAUER, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by Judith Ficks to grant a two month stay of suspension in the matter of Blair D. Moldenhauer, DDS, request a Board appearance and require that he enter the Herrington Recovery Center for a five day residential evaluation period. Motion carried unanimously.

JOHN REED, DDS

MOTION: Karen Jahimiak moved, seconded by Catherine Schleis to grant a three month stay of suspension in the matter of John Reed, DDS. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Wilber Gill moved, seconded by Catherine Schleis, to close complaint **02 DEN 026**, for no violation. Motion carried unanimously.

MOTION: Bruce Trimble moved, seconded by David Carroll, to close complaint **02 DEN 068**, for no violation. Motion carried unanimously.

MOTION: Judith Ficks moved, seconded by Karen Jahimiak, to close complaint **02 DEN 120**, for no violation. Motion carried unanimously.

MOTION: Catherine Schleis moved, seconded by Arthur Srb, to close complaint **02 DEN 074**, for insufficient evidence. Motion carried unanimously.

INFORMATIONAL ITEMS

The Board noted that the National Practitioner Data Bank (NPDB) Executive Committee met in November in Crystal City, VA. The Board noted that they have seen 1-2 relevant cases from the Data Bank in past months.

OTHER BOARD BUSINESS

The Board would like the department to fund all AADE meetings that Board members attend.

MOTION: Wilbur Gill moved, seconded by Richard Strand, that the Board send a letter to the new Secretary and request funding for all AADE meetings. Motion carried unanimously.

ADJOURNMENT

MOTION: Judith Ficks moved, seconded by Catherine Schleis, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:05 p.m.

